

### **REMARKS**

In the Office Action mailed October 31, 2007, the Examiner noted that claims 1-5 and 7-12 were pending; and rejected claims 1-5 and 7-12 under 35 U.S.C. § 103(a) as being unpatentable over Komma et al. (U.S. Patent No. 5,644,413) in view of Yagi et al. (U.S. Patent No. 5,754,513). Claims 1-5 and 7-12 are currently pending. The rejection is traversed below.

#### **Rejection under 35 U.S.C. § 103**

Claims 1-5 and 7-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komma et al. (U.S. Patent No. 5,644,413) in view of Yagi et al. (U.S. Patent No. 5,754,513).

Claim 1 recites that "a position of the cylinder is adjustable in the optical axis direction and a rotation direction with respect to the holder" (last two lines). The Office Action states on page 3 that Komma et al. "fails to disclose a cylinder ... which is movable in an optical axis direction with respect to the holder and is installed rotably, wherein a position of the cylinder is adjustable in the optical axis direction and a rotation direction with respect to the holder." Rather, the Office Action relies on Yagi et al. The Applicant respectfully submits that Yagi et al. also fails to teach these features.

Yagi et al. discusses "an optical information apparatus in which a positional relation between the information medium and the optical head apparatus is precisely adjusted" (column 1, lines 18-20). In Example 29, the "correction lens is moved in the direction of the optical axis, an apparent position of the light beam source of the luminous flux 16 entering into the objective lens is shifted and the aberration of the optical spot is corrected" in order to "cope with the difference in thickness of the information recording medium 90" (see column 61, lines 12-19, of Yagi et al.). In Example 36, "[t]he diffractive grating 12 is held in the cylindrical holder 121, and the holder 121 is rotated in the housing of the optical pick-up" (column 66, lines 11-13, of Yagi et al.). The latter example is implemented so that "jolting can be prevented" because "the direction of movement or support of the correction means is different from the direction for access of the optical pick-up apparatus" (see column 66, lines 34-37, of Yagi et al.). In this case, "the center of gravity of the carriage is not changed even when the correction condition is changed by the correction means, resulting in the prevention of resonance" (see column 66, lines 39-42, of Yagi et al.).

The Office Action states on page 3 that “Yagi discloses a cylinder (121, fig. 82a) supporting optical elements including a grating (12, fig. 82a) and which is capable of supporting the optical elements to be rotatable about an optical axis (col. 66 lines 9-22) and adjustable in an optical axis direction (col. 66 lines 15-22 and col. 61, lines 12-22).” However, Yagi et al. teaches away from combining movement “in the direction of the optical axis” as discussed in Example 29 with the rotation described in Example 36. Per the above, Example 36 is implemented so “jolting can be prevented” because “the direction of movement or support of the correction means is different from the direction for access of the optical pick-up apparatus”. The Applicant believes that the direction of movement in Example 29 of Yagi et al. would be in the direction of access for the optical pick-up apparatus, defeating the stated goal in Example 36 of preventing resonance. As such, Yagi et al. teaches away from a cylinder that is adjustable in the optical axis direction and a rotation direction, as claimed. Thus, Komma et al. and Yagi et al. both individually and in combination, fail to render claim 1 obvious under 35 U.S.C. § 103(a).

Claims 2-5 and 7-12 depend from claim 1 and add further features thereto. Thus, the arguments above with respect to claim 1 also apply to these claims.

For at least the reasons above, it is respectfully submitted that the rejection is overcome.

**Summary**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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